B
1515

19/47.

K

File No. Manoeuvres II/47

Legal **DEPARTMENT**

B **BRANCH**

Subject:— Rules and Notifications P.I.S. under the Manoeuvres Field and B Firing and Artillery Practice 1938

File No. Manoeuvres II/47

Std. Sectn Slip 24 B e.

390-15

K

CONTENTS.

Legal Department File No.Manoeuvres II/1947.

Sr. No.	Compilation No.	Subject.	Pages.
		Rules and Notifications under the Manoeuvres,Field Firing and Artillery Practice Act, 1938.	
1.	O.No.5978, dt. 7-6-47.	Section 9(1). — Notifications Nos. I to IX under —	1-21. 5-22 not typed
2.	Memo No.10556, dt. 4-11-47.	Scrutinisation of the above notifications.	23-26.

MRP.
10/5/56.

Office of the R.L.A.

Revised draft notifications under section 9(1) of the Manoeuvres, Field Firing and Artillery Practice Act, 1938, are sent herewith.

(a) As pointed out in para.3 of the R.L.A's W.R.to H.M.(R.D.) No.202, dated the 23rd May 1947 at page 92 ante, under section 9(3) of the said Act it is imperative that no notification under section 9(2) can be published before the expiry of two months from the date of the first publication of the notice. Consequently it is not legally feasible to specify 15th July 1947 as the date for the commencement of the periodic practices at all the ranges in the proposed notifications. The date of commencement will have to be fixed having regard to the date of publication of the proposed notices. The R.D. is, therefore, requested to fill in the date of commencement in the revised draft notifications accordingly.

(b) Notification No.II regarding Bapdeo Ghat Range:- It is inter alia provided that the Bapdeo Ghat East and West comprises of a rectangular area of ..... from the point near Holkarwadi. The words "the point" are vague and indefinite. It is therefore provided "starting from Holkarwadi". R.D. should verify if this is correct.

Clauses (a) and (b) of the Schedule in the R.D. draft are not necessary and have been omitted; so also the reference to "villages comprised in the ..... Evalwadi".

The southern arm of the rectangle is described as ".... then 4 miles north of Atkarwadi and Karanjali .....". It is however provided that the area in question is bounded on the south by Karanjali only. The R.D. may verify if reference to Atkarwadi is not necessary in the latter case.

(c) Notification No.VI regarding Kumbharsan Range.

The

The area is inter alia described "then extends 5 miles eastwards via Poryawada. From the map of this range it would appear that the area after reaching Shelgaon extends to west and not east as provided in the/~~the~~ R.D. notification. East has therefore been changed into west.

The reference to villages and hamlets has been transferred in the second column under the heading "Names of villages and hamlets".

(d) Notifications VIII and IX. The Schedules have been ~~transferred~~ transposed under the heading "Description of land".

The last paragraph below Schedule II in the last notification of R.D. draft is outside the scope of section 9(1) of the said Act and has therefore been omitted from the revised draft.

2. The R.D. is requested to verify the description of the areas before issue of these notifications, since these do not involve any legal point.

3. The R.D. is also requested to check the spellings of various villages mentioned in the notifications since it is noticed that the names of villages have not been uniformly spelt.

4. Under rule 4 of the Bombay Manoeuvres, Field Firing and Artillery Practice Rules, 1940, the form of notice under section 9(3) has been prescribed in Form II appended to the said rules. The form of notice at slip B below as amended is in order. The other forms of notice should be similarly amended.

The area to be specified in each Notice should be the same as specified in the revised draft notifications with reference to the range concerned. The R.D. is therefore requested to fill in the area accordingly in

the

MRP.-
10/5/56.

the Notices at slip D below.

Sd. D.M.Lad.
6/6/47
Remembrancer of Legal Affairs.

U.R.to R.D.,No.5972, dated the 7th June 1947.

MRP.
10/5/56.

Office of the R.L.A.

The draft notifications under section 9(1) of the Manoeuvres, Field Firing and Artillery Practice Act, 1938, and the form of Notice under section 9(3) of the said Act have already been scrutinised (vide paras.1 and 4 of R.L.A's No.5972, dated 7th June 1947 at Pages 123-125 ante). The notification under section 9(1) and forms of Notice under section 9(3) of the said Act have not been scrutinized again. R.D. may, if necessary, check them up again before issue having regard to the remarks in R.L.A's No.5972, dated the 7th June 1947.

2. Para.3(i) of R.D.note.- The name of the district is mentioned in the notification as well as in the notice (cf. revised notification at p. 127 ante and Form II appended to the Bombay Manoeuvres, Field Firing and Artillery Practice Rules, 1940).

3. Para.3(ii) of R.D. note.- Portion marked 'A' at p.189 should be deleted.

4. Para.3(iii) of R.D. note.- There is no objection to refer to the Act at the left hand top corner.

5. Para.3(iv) of R.D. note.- The notice should bear number and date and should be signed by Secretary to Government or any other Gazetted officer according to the Rules of Business (cf. the superscription at p.3 of Form of Notice at slip B below).

6. Para.4 of R.D.note.- As pointed out in R.L.A's No.5972, dated the 7th June 1947, the form of Notice has been prescribed in Form II appended to the Bombay Manoeuvres, Field Firing and Artillery Practice Rules, 1940. Form II forms part of the Rules and will have therefore to be strictly followed. Consequently the map

and t

and the summary of the provisions of the provisions of the Act and the rules thereunder will have to be published in the B.G.G. The form of Notice at slip B below which has already been scrutinized by the R.L.A. has not accordingly omitted reference to the publication of the map and the summary of the provisions of the Act and the rules thereunder.

7. Para. 5 of R.D. note.- Section 9(2) of the Act provides that the Provincial Government may authorise the carrying out of field firing and artillery practice throughout a notified area or any specified part thereof during any period or periods specified in the notification. The notification may therefore run as follows, namely:-

"In exercise of the powers conferred by sub-section (2) of section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), the Government of Bombay is pleased to authorise the carrying out of field firing and artillery practice below during the period from the .... to 194

Area

[Here insert area exactly on the lines of that described in the Notice under section 9(3)]

By order of the Governor of Bombay,

Secretary to Government."

8. With reference to the period mentioned in the draft notices, attention is again drawn to paragraph

paragraph 1(a) of R.L.A's No.5972, dated the 7th June 1947 at p.123 ante. The date of commencement of the periodic practice should be inserted in the draft notices as well as in the above notifications under section 9(2) having regard to the date of publication of the Notices in the B.G.G. R.D. will no doubt fill in the requisite dates.

Sd. S.B.Palekar

for Remembrancer of Legal Affairs.

U.R.to R.D.,No.10556, dated the 4th November 1947.

MRP. -
10/5/56.